

OPEN SESSION MINUTES

Department of Consumer Affairs
Board of Psychology
Quarterly Meeting
Hanalei Hotel
2270 Hotel Circle North
San Diego, CA 92108

November 14, 1998

The open session meeting of the Board of Psychology was called to order by Judith Janaro Fabian, Ph.D. at 8:10 a.m.. A quorum was present and due notice had been sent to interested parties.

Present were:

Judith Janaro Fabian, Ph.D., Vice-Chairperson
Linda Hee, Ph.D.
Emil Rodolfa, Ph.D.
Mary McMillan, Secretary
Marilyn Palarea
Mary Ellen Early

Others Present:

Thomas O'Connor, Executive Officer
Dan Buntjer, DCA Legal Counsel
Suzanne Taylor, Enforcement Coordinator
Karen Johnson, Licensing/Examination Coordinator
Annette Brown, Business Services Technician

Agenda Item #13 - Approval of Open Session Minutes For August 28, 1998 and August 29, 1998

It was M(Rodolfa)/S(Hee)/C to approve the open session minutes of August 28, 1998.

VOTE: 6-0 (Unanimous)

It was M(Early)/S(Palarea)/C to approve the open session minutes of August 29, 1998 with noted amendments.

VOTE: 6-0 (Unanimous)

Agenda Item #14 - Vice-Chairperson's Report

a. Time Line: Legal/Ethical Landmarks

Dr. Fabian reviewed the Time Line of Legal/Ethical Landmarks which she and Mr. O'Connor developed to document the history of sexual misconduct laws, codes and principles. Dr. Fabian also reported the Time Line is on the Board's Website.

b. Correspondence

Dr. Fabian reviewed a letter to Mr. O'Connor from Carol Falender, Ph.D. and Annette Brodsky, Ph.D. of the California Psychological Association (CPA). Dr. Fabian reported she was pleased to attend the conference in February 1998 concerning "Graduate Training in Psychology in California: A conference of Leaders for the Millennium".

3. Appointments to Continuing Education Committee

Deferred in Dr. Ebert's absence.

d. Other Post-Agenda Items for Discussion

None.

Agenda Item #15 - Executive Officer's Report

a. Staff Update

Mr. O'Connor reported that the BOP has three new staff members; Tony Smith, Janet Wise and Matt Di Pirro. He also reported Mary Armstrong has been terminated from State service.

b. Travel Expense Claim Processing Update

Mr. O'Connor reviewed the Board member attendance and reimbursement policy.

Ms. Brown discussed travel reimbursement procedures.

3. Customer Service Survey Update

Mr. O'Connor reviewed the Customer Service Evaluation which gives the Board's customers and the public an opportunity to evaluate staff's job performance. The survey/evaluation will be a good tool to assist the Board in providing more efficient service to the public. There are two ways to respond; 1) return the postage paid, pre-addressed, tri-fold evaluation in the mail; 2) respond on-line from the board's web page.

4. ASPPB Update: October 1998 Annual Meeting

Mr. O'Connor reported on the 38th annual meeting of Association of State and Provincial Psychology Boards (ASPPB). The meeting was held in Norfolk, Virginia on October 14 - 18, 1998. Two highly discussed topics were the Certificate of Professional Qualification (CPQ) and the computerization of the administration of the national written examination (EPPP). Mr. O'Connor added that ASPPB named Bruce Ebert, Ph.D., J.D. a Fellow of the organization.

e. ICPS Update

Mr. O'Connor reported on the Integrated Consumer Protection System (ICPS). The original vendor for this project, IBM, has canceled their contract, so a new vendor must be approved. He reported the Department is moving forward with this project and will keep us informed of developing information as it becomes available.

f. Other Post-Agenda Items for Discussion

None.

Agenda Item #16 - Legal Counsel Report

1. Federal Welfare Reform Act Update

Mr. Buntjer submitted draft regulations for (Self-Certification) Applicant Verification Regulations to implement the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of the Federal Welfare Reform Act signed by President Clinton in October 1996 which prohibits illegal aliens from becoming licensed. All Boards and programs within DCA were ordered to draft emergency regulations to implement this act by January 1, 1999. This will only affect new applicants at first. Once regulations are adopted, they will go into effect immediately. Applicants will be required to document citizenship prior to licensure. .

It was M/(Palarea)S/(Hee)/C to delegate authority to Mr. O'Connor to go forward with the emergency regulation process concerning self-certification application verification.

VOTE: 4-2 (McMillan and Early opposed)

2. Other Post-Agenda Items for Discussion

None.

Agenda Item #17 - Regulation Update

1. Supervision Regulations

Nothing to report.

2. Continuing Education Regulations

Mr. O'Connor reported the notice was filed at the Office of Administrative Law (OAL) on September 19, 1998 and the hearing is scheduled for November 14, 1998.

3. CPQ Regulations

Mr. O'Connor reported the notice was filed with OAL on April 21, 1998. The hearing date was June 17, 1998. The Rulemaking File was filed with the Department of Consumer Affairs (DCA) on September 9, 1998 and on October 15, 1998 filed with the OAL. This is the final step and OAL has 30 working days to reach a decision on this Rulemaking File.

4. Declaratory Decision Regulations

Mr. O'Connor reported the notice was filed at the OAL on June 26, 1998. The hearing date was August 28, 1998 and the amended regulations should be completed by the March 1999 board meeting.

5. Examination Fee Regulations

Mr. O'Connor reported the notice was filed at the OAL on January 5, 1998. The hearing date was March 4, 1998. The Rulemaking file was filed with the DCA on April 13, 1998 and on September 9, 1998 filed with the OAL. The regulations were filed with the Secretary of State on October 22, 1998. Effective November 21, 1998 the written examination fee will increase from \$332 to \$432.

6. Other Post-Agenda Items for Discussion

None.

Agenda Item #18 - Continuing Education Update

a. Correspondence

Mr. O'Connor reviewed a letter from Herbert Moskowitz, Ph.D. requesting waiver of the continuing education (CE) requirements. Mr. O'Connor responded to Dr. Moskowitz in writing stating that the board has no authority to waive these CE requirements and that the board will take into consideration future regulation amendments to assist those licensees who are not clinicians to comply with the CE requirements.

b. Accrediting Agency Update

Patricia VanWorkem and Charles Faltz, Ph.D. of the California Psychological Association (CPA)

reported on the Accrediting Agency Update.

3. Accrediting Agency Audit Schedule

Mr. O'Connor reported there is no schedule yet. Dr. Ebert wants Dr. Greenberg and Mr. Thomas to meet with CPA to work on the schedule.

d. Other Post-Agenda Items for Discussion

None.

Agenda Item #20 - Regulation Hearing - Continuing Education

The Board met for a Regulation Hearing. The proposed regulations would amend Continuing Education Requirements. The Board heard testimony from Dr. Charles Faltz, Dr. Robert Elliott, and Patricia VanWorkem, all representing California Psychological Association (CPA). Their main issues were:

1) Section 1397.61(f) a drafting error to delete (f) and then put it back again.

It was M(Rodolfa)/S(Palarea)/C to adopt Section 1397.61 without subsection (f).
The remainder of the regulations were adopted as proposed.

VOTE: 6-0 (Unanimous)

Agenda Item #21 - Examination Committee Report

a. Commissioner Exit Survey

Dr. Fabian reviewed the Oral Exam Commissioner Survey and requested feedback. The board plans on implementing the survey for the next orals in January 1999.

2. Exam Enhancement and Item Writers' Workshops Update

Dr. Fabian reported on the Behavioral Anchor Workshop, Item Writer's Workshop and ASPPB's Practice Analysis Workshop. Dr. Fabian reported there will be some changes with the examination scoring as a result of the work accomplished in these workshops.

3. Bilik, Harvey, PhD - Request for Waiver of Oral Examination

Dr. Fabian reported on Dr. Bilik's requests for waiver of the oral examination pursuant to section 2946 of the CA Business and Professions Code. The Examination Committee recommended Dr. Bilik's request be denied, however, the Committee recommended that he sit for the Jurisprudence exam rather than the full oral.

It was M(Fabian)/S(Rodolfa)/C to deny Dr. Bilik's request for waiver of oral examination.

VOTE: 6-0 (Unanimous)

d. Other Post-Agenda Items for Discussion

Dr. Fabian reported that Gerald Fishkin, Ph.D. requested waiver of the written examination pursuant to section 2946 of the Business and Professions Code.

It was M(Fabian)/S(Rodolfa)/C to deny Dr. Fishkin's request for waiver of the written examination.

VOTE: 5-0 (Palarea abstained)

Dr. Fabian reviewed the request from Brent F. Baldree, Ph.D. for reasonable accommodations for the oral examination. Dr. Baldree is requesting the board provide him with a copy of the oral exam on cassette tape.

It was M(Fabian)/S(Rodolfa)/C to approve Dr. Baldree's request for reasonable accommodations for the oral examination.

VOTE: 6-0 (Unanimous)

Agenda Item #22 - Enforcement Committee Report

a. Disciplinary Guidelines Review

Ms. Palarea reported this is deferred until the March board meeting.

2. Latest Enforcement Statistics

Ms. Palarea reviewed the enforcement statistics and reported they are in-line with previous years' statistics.

c. Other Post-Agenda Items for Discussion

Ms. Palarea reported there were 2 expert applications received. Both were denied.

Agenda Item #23 - Legislation Committee Report

1. SB 1983 (Greene)

Ms. McMillan reported this bill moved through the legislature with ease and was signed by the Governor and that this bill would extend the board's existence until July 1, 2005, and would

provide for an additional public member on the board.

b. SB 983 (Polanco)

Ms. McMillan reported this bill was signed by the Governor. The bill requires the Board of Psychology (BOP) to encourage licensed psychologists to take continuing education courses in psychopharmacology and in the biological bases of behavior. This bill would require the board to develop education and training guidelines for psychologists whose practices include patients who may require psychopharmacological treatment.

c. SB 2238 (Polanco)

Ms. McMillan reported this bill has lettering problems. Staff of the Senate Business & Professions Committee has assured that the lettering problem will be cleaned up in urgency legislation in January, 1999. This bill would include any act of sexual abuse or sexual relations with a former patient within 2 years following termination of therapy, or sexual misconduct which is substantially related to the qualifications, functions or duties of a registered psychologist as a cause for license discipline.

d. Other Post-Agenda Items for Discussion

Mr. O'Connor reported on a letter he wrote to The Editor, California Psychologist, California Psychological Association (CPA). He asked that CPA accurately inform its readers and membership of the important reforms that came as a result of the Sunset Review process and SB 1983.

Agenda Item #24 - Consumer Education Committee Report

a. BOP Update VI

Ms. Early reported the next BOP Update should be completed by spring of next year and that the deadline for submitting articles is February 1999.

b. Website Update

Mr. O'Connor reported on the BOP Website stating the board has one of the better websites in the department. There are examination schedules and deadlines, licensing and renewal information, enforcement actions, and lots of very useful information consumers can review.

c. Other Post-Agenda Items for Discussion

None.

Agenda Item #19 - Credentials Committee Report

Taken out of order

1. Schwartz, Terry, Psy.D. - Waiver of Child Abuse Assessment Course Requirement for Licensure

Dr. Hee reported the Credentials Committee denied Dr. Schwartz' request. No Action Required.

b. Farnoody, Nehzat - Equivalent Degree

Dr. Hee reported the Credentials Committee reviewed Dr. Farnoody's equivalent degree request and determined Dr. Farnoody is deficient in two core areas. The Credentials Committee will approve Dr. Farnoody's equivalent degree pending receipt of approved official school documentation of coursework in the deficient areas.

c. Review of Equivalency Evaluation Form

Dr. Hee reviewed the draft Equivalency Evaluation Form which she and Dr. Rodolfa developed.

d. Dittrich, Elisabeth - Plan for Alternative Supervision

The Credentials Committee reviewed Dr. Dittrich's plan for alternative supervision under 1387.3. Dr. Dittrich is conducting research in finance and mental health services. The Credentials Committee approved her plan with the advisement that no hours can be counted before the Board's approval and only 1500 hours can be counted under any single supervisor.

The Credentials Committee M/S/C to approve with modifications.

VOTE: 6-0

e. Quinn, Darryl - Interpretation of Same Work Setting

The Credentials Committee reviewed Dr. Quinn's request and approved her request under policy L-96-02, governmental or quasi-governmental setting.

The Credentials Committee M/S/C to approve Dr. Quinn's request.

VOTE: 6-0

f. Kaiser Permanente Medical Center, Martinez - Interpretation of Same Work Setting

Dr. Hee reviewed a request from Marie Kwan Lin, PhD, Primary Supervisor for Stacey Nelson, PhD and Roe Oser, PhD, Psychological Assistants at Kaiser Permanente in Martinez.

The Credentials Committee M/S/C to approve Same Work Setting request under policy L-96-02 and Regulations Section 1387(l).

VOTE: 5-0 (Dr. Fabian abstained)

g. Kaiser Permanente, Stockton - Interpretation of Same Work Setting

Dr. Hee reviewed a request from Phylis Wakefield, PhD, Chief of Chemical Dependency Services at Kaiser Permanente in Stockton. Dr. Wakefield is requesting permission to provide supervision to a psychological assistant at a building which will be separate from the psychological assistant's office space.

The Credentials Committee M/S/C to approve Same Work Setting request under policy L-96-02 and 1387(l).

h. Other Post-Agenda Items for Discussion

The Open Session meeting adjourned at 11:17 P.M. and convened in Closed Session.

Respectfully Submitted,

Judith Janaro Fabian, Ph.D.
Vice-Chairperson

Mary McMillan
Secretary